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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

S.H. v. Uber Technologies, Inc., et al.
No. 3:24-cv-09068-CRB

Case No. 3:23-md-03084-CRB

Honorable Charles R. Breyer

PLAINTIFFS' RESPONSE TO UBER'S MOTION TO DISMISS CASES FOR FAILURE TO COMPLY WITH PTO 10

Date: October 3, 2025
Time: 10:00 a.m.
Courtroom: 6 – 17th Floor

I. INTRODUCTION

On August 22, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who did not file a Plaintiff Fact Sheet (“PFS”) in connection with Pretrial Order (“PTO”) 10. (Doc. 3493). Counsel acknowledges and understands that under PTO 10, the Court has created procedures and deadlines to produce a PFS. Counsel has and continues to diligently comply with discovery obligations.

II. ARGUMENT

a. Plaintiff S.H. has complied with PTO 10.

On August 22, 2025, Defendants filed a Motion to Dismiss cases of Plaintiffs who allegedly failed to file a Plaintiff Fact Sheet (“PFS”) in connection with Pretrial Order (“PTO”) 10. (Doc. 3493). Plaintiff

S.H., however, has complied with the Court's directives. Specifically, Plaintiff's completed PFS was produced to Defendants on February 21, 2025 through the MDL Centrality portal, in accordance with the procedures established by PTO 10.

Because Plaintiff's PFS was timely submitted and discovery obligations satisfied, inclusion of Plaintiff in Defendants' Motion to Dismiss was improper. Plaintiff is not subject to dismissal under PTO 10, as there is no outstanding deficiency with respect to Plaintiff's obligations.

b. Defendants failed to comply with L.R. 37-1 before filing their motion.

Civil Local Rule 37-1 requires parties to meet and confer in good faith prior to filing any motion regarding alleged discovery disputes. This requirement exists to prevent unnecessary motion practice and to allow the parties to resolve issues without burdening the Court.

Defendants did not meet and confer with Plaintiff's counsel prior to filing their Motion to Dismiss. Had they done so, it would have been clear that Plaintiff's PFS was produced months earlier, on February 21, 2025, and that Plaintiff had indeed complied with PTO 10. Defendants' failure to engage in the required good-faith conference underscores the impropriety of their Motion as it pertains to Plaintiff.

c. Post-Filing Communications Confirm Defendants' Error

After the Motion to Dismiss was filed on August 22, 2025, Plaintiff's counsel promptly reached out to Defendants by email on August 25, 2025, to inform them that Plaintiff S.H. should not have been included in the Motion. On August 27, 2025, defense counsel responded by email and confirmed that Plaintiff would be removed from the Motion to Dismiss.

This exchange further demonstrates that Plaintiff was compliant with PTO 10, and that Defendants' Motion, as it relates to Plaintiff, was filed in error and without adherence to the Local Rules requiring a pre-filing meet and confer.

CONCLUSION

Because Plaintiff timely complied with PTO 10, Defendants failed to comply with L.R. 37-1 before

1 seeking relief, and Defendants have since acknowledged by email that Plaintiff should not have been
2 included in the Motion, dismissal of Plaintiff's case is not justified.

3 For the foregoing reasons, Plaintiff respectfully requests that the Court DENY Defendants' Motion
4 to Dismiss of Plaintiff S.H.

5
6 Dated: September 5, 2025

7 Respectfully submitted,

8 */s/ Sommer D. Luther*
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5 **[X] BY ELECTRONIC TRANSMISSION ONLY:** By emailing the document(s) to the persons at
6 the email address(es) listed above. No electronic message or other indication that the transmission
7 was unsuccessful was received within a reasonable time after the transmission.

8 I declare under penalty of perjury under the laws of the State of California that the above is true and
9 correct.

10 Executed September 5, 2025 in Denver, Colorado.

11 /s/ Theresa Fryan

12 Theresa Fryan

Paralegal